



THE LAW OFFICE OF
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MEMO ENDORSED

March 25, 2021

The Honorable William H. Pauley III
U.S. District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007
VIA ECF

Re: *United States v. Lazaro Rosabal Fleitas, et al.*, 19-cr-631 (WHP)

Dear Judge Pauley,

I am CJA counsel to Lazaro Rosabal Fleitas in the above-captioned matter. I write to respectfully request an adjournment of Mr. Fleitas' sentencing (currently scheduled for April 20) in light of the pandemic protocols. The government has no objection to this application. I have made four prior requests for adjournment in this matter on the same basis, and this Court has granted them all.

First, my client is a resident of Florida and would have to travel to New York for his sentencing. Unfortunately, because of the current pandemic situation in Florida, he would have to be in quarantine for 14 days prior to his sentencing date. His travel has been arranged and paid for by the U.S. Marshals, and it seems unnecessarily complicated and expensive to put my client into quarantine for the sake of an April sentencing.

Second, although a video sentencing could be possible, it may not be permissible under the circumstances. After all, as the Court is no doubt aware, Section 15002(b) of the CARES Act allows for sentencing proceedings to be held via video teleconferencing and/or telephone conferencing only when the district judge "in a particular case finds for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice." See also 20 Misc. 176 (CM), SDNY Standing Order No. M10-468 (authorizing the use of video or telephone conferencing for felony pleas under Rule 11 and felony sentencings under Rule 32 only upon a finding by the presiding judge that the "proceeding cannot be further delayed without serious harm to the interests of justice.") (March 30, 2020); see also 20 Misc. 622 (CM), SDNY First Amended Standing Order M10-468 (Jan. 6, 2021) (extending the order through February 12, 2021). To be sure, we would all like to complete this matter sooner rather than later. However, I cannot think of any compelling or specific reason why another short postponement would harm the interests of justice in this case. Put another way, it does not seem that justice would demand that the sentencing occur in April.



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Finally, it should be noted that my client is currently at liberty and has been compliant with the conditions of his pretrial release.

To conclude, we respectfully suggest that the Court postpone Mr. Fleitas' sentencing again until the pandemic situation permits a more traditional sentencing hearing, or until such time as the law permits video-sentencing without a finding of compelling circumstances. Please note that I currently anticipate that I will be engaged on trial in the Southern District starting on June 7, and that the trial may last two weeks.

Respectfully submitted,

_____/s/_____
Matthew Galluzzo, Counsel for Fleitas

Cc:

AUSA Kiersten Fletcher
AUSA Emily Johnson
VIA ECF

Application granted. Sentencing adjourned to July 1, 2021
at 11:00 a.m.

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

March 26, 2021